

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 16 MAR 2010

BENCHMARK FINANCIAL SERVICES, INC.,
on behalf of itself and all others similarly situated,

Plaintiff,

1:08-cv-11193-JSR

v.

FINANCIAL INDUSTRY REGULATORY
AUTHORITY, INC.; MARY L. SCHAPIRO;
RICHARD F. BRUECKNER; T. GRANT CALLERY;
TODD DIGANCI; and HOWARD M. SCHLOSS

Defendants.

CLASS ACTION

JURY TRIAL DEMANDED

2010 MAR 16 PM 2:14
J.D. OF N.Y.
FILED COURT

NOTICE OF APPEAL

Notice is hereby given that Benchmark Financial Services, Inc. ("Benchmark"), plaintiff in the above-captioned case, hereby appeals to the United States Court of Appeals for the Second Circuit from the Memorandum Order entered March 1, 2010 (docket entry 17), by which the District Court dismissed, with prejudice, Benchmark's Amended Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure and directed the entry of judgment in favor of Defendants.

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Dated: March 15, 2010

Respectfully submitted,

CUNEO GILBERT & LADUCA, LLC

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CERTIFICATION OF SERVICE

I, William H. Anderson, certify that on March 15, 2010, I served the foregoing via Federal Express overnight on the following counsel of record:

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/s/ William H. Anderson

William H. Anderson